

### REMARKS

Applicant has carefully studied the Office Action of March 7, 2005, and offers the following remarks to accompany the above amendments. Applicant appreciates the telephonic interview of June 3, 2005 with Examiner Nguyen. Where appropriate, the comments from the interview are included below and serve as the interview summary required by the MPEP.

Applicant amends claim 23 to return it to the state it was before Applicant's Request for Continued Examination was filed. The Patent Office had previously indicated that claim 23 would be allowable in this form (see the Advisory Action of January 11, 2005). Applicant cancels claims 1-22, 25-41, and 44-54, thereby mooted the rejection of claims 1-22, 25-41, and 44-54. Based on the Patent Office's previous comments, claims 23, 24, 42, and 32 should remain in condition for allowance.

Applicant presents new claims 55-71, with four independent claims. As Applicant is canceling seven independent claims, and the total claim count is less than that for which Applicant has already paid, no new fee should be required.

New claims 55 and 70 represent system and method claims directed to a telephony node comprised of two telephony modules. The first telephony module has a first internet protocol (IP) address and the second telephony module has a second IP address. The control system of the claims allows for active and inactive IP addresses to be selectively assigned to the first and second telephony modules based on which module is active and which module is inactive. No new matter is added, but the language used to claim the invention has shifted so as to highlight the various IP addresses within the telephony node.

New claims 60 and 71 represent system and method claims directed to a telephony module adapted to receive instructions from a computation module to switch the telephony module between inactive and active states while maintaining a first IP address. When the telephony module switches between inactive and active states, the telephony module uses inactive and active IP addresses respectively. Again, no new matter is added, but the claim language has shifted so as to highlight how the telephony module switches modes of operation.

In contrast, the primary reference of record, Miriyala, does not teach or suggest the variously recited IP addresses. Specifically, Miriyala is an ATM system that has an IP over ATM component. Specifically, Miriyala teaches a network service group that uses a standby group of ATM network devices (Miriyala, col. 5, lines 1-4). Each ATM network device within

the standby group has its own ATM address and shares a non-ATM network address with other members of the standby group (Miriya, col. 5, lines 4-7, emphasis added). When one of the network devices from the standby group is not available, a second member of the standby group is activated to provide the network service (Miriya, col. 5, lines 7-10). Miriya distinguishes which network device is active by "a value used in determining whether the network device is currently acting as the device having the non-ATM address." (Miriya, col. 5, lines 32-35). In short, Miriya shares the non-ATM address and allows one device to use it selectively when that device is the device providing the network service. However, the various network devices of Miriya do not have their own IP address (corresponding to the first and second IP addresses of the new claims), and swap out active and inactive IP addresses based on whether the network device is active or inactive. At best, Miriya teaches that the devices have unique ATM addresses and share a non-ATM address, which directs messages to the currently active network device. When a network device is inactive, it is addressed through its unique ATM address, not the recited IP addresses of the new claims. Thus, Miriya does not anticipate the new claims since Miriya does not show each and every claim element as required by MPEP § 2131.

In the Office Action of March 7, 2005, the Patent Office dwells on Miriya, col. 8, lines 4-20. This passage does not anticipate the newly presented claims. Miriya, col. 8, lines 4-20 starts with the statement that a single ARP client may be responsible for multiple IP addresses. However, the nature of these IP addresses does not match with the claimed IP addresses. Specifically, the example provided by the passage is that the ARP client 306 has a shared IP address for both Group I and Group II, but that these are the IP addresses of the groups and not active/inactive IP addresses that are selectively used as recited in the claims. Furthermore, the passage states that the ARP client "may possess other IP addresses that it used in other roles." The nature of the other IP addresses is ambiguous and does not specifically correspond to the claim language presented under the strict requirements of an anticipation analysis. As such, the Miriya, col. 8, lines 4-20 does not show the claimed invention.

During the telephonic interview, Applicant asked a simple question of the Examiner. Specifically, Applicant asked how client 306 of Figure 3 would be addressed when, as illustrated in Figure 3, client 304 had a priority of 100 for group 2 and client 310 had a priority of 100 for group 1. Applicant was hopeful that the crux of this question would elicit from the Examiner an

understanding of what IP addresses client 306 had and could use. The Examiner's response was "this language is not in the claim. I don't have to answer questions based on language that is not in the claim." Based on the Examiner's response, Applicant is still unsure how the Patent Office is reading Miriyala's vague reference to multiple IP addresses for other uses. Applicant's currently claimed invention solves the problem set forth in Figure 3 of Miriyala. That is, Applicant has the active, inactive, and static (first or second) addresses for each module in the telephony node. Thus, in the situation of Miriyala Figure 3, Applicant can address client 306 by sending messages to the first address of client 306. In contrast, according to Miriyala, the only way to address client 306 when clients 304 and 310 have the highest priority is through client 306's ARP address. The Examiner could not explain any alternative way in which client 306 could be addressed in this situation. Since the Patent Office cannot explain where in Miriyala client 306 has an IP address that functions independently of client 306's active or standby statuses, Applicant respectfully maintains Miriyala does not anticipate the claims.

Applicant requests examination of the new claims and earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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